

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF UTAH**



**RULES OF CIVIL PRACTICE**

**DECEMBER 2019**

## TABLE OF CIVIL RULES

<u>RULE #</u>		<u>PAGE</u>
DUCivR 1-1	AVAILABILITY AND AMENDMENTS.....	1
(a)	Availability .....	1
(b)	Amendments to the Rules.....	1
DUCivR 1-2	SANCTIONS FOR CIVIL RULE VIOLATIONS .....	1
DUCivR 3-1	CLERK'S SCHEDULE OF MISCELLANEOUS FEES .....	1
DUCivR 3-2	ACTIONS TO PROCEED WITHOUT PREPAYMENT OF FEES .....	2
(a)	Non-incarcerated Parties .....	2
(b)	Incarcerated Parties .....	2
(c)	Dismissal of Claims as Frivolous Under 28 U.S.C §1915 .....	3
DUCivR 3-3	COMMENCEMENT OF AN ACTION: NOTIFICATION OF MULTI-DISTRICT LITIGATION .....	3
DUCivR 3-4	CIVIL COVER SHEET .....	4
DUCivR 3-5	CONTENT OF THE COMPLAINT .....	4
DUCivR 5-1	FILING OF PAPERS .....	4
(a)	Electronic Filing .....	4
(b)	Email Filing .....	4
(c)	Conventional Filing of Pleadings and Papers.....	5
(d)	Filing Time Requirements.....	5
DUCivR 5-2	FILING CASES UNDER COURT SEAL .....	6
(a)	General Rule .....	6
(b)	Civil Actions for False Claims .....	6
(c)	Procedures .....	6
(d)	Access to Sealed Cases.....	7
DUCivR 5-3	FILING DOCUMENTS UNDER COURT SEAL.....	7
(a)	General Rule .....	7
(b)	Procedure for Filing Under Seal.....	7
(c)	Access to Sealed Documents.....	9
DUCivR 5-4	HABEAS CORPUS PETITIONS AND CIVIL RIGHTS COMPLAINTS .....	9
(a)	Form .....	9
(b)	Supporting Affidavit.....	9
(c)	Filing Requirements .....	9
(d)	Answers and Responses .....	10
DUCivR 5.1-1	NOTIFICATION OF CLAIM OF UNCONSTITUTIONALITY.....	10
(a)	An Act of Congress .....	10
(b)	A Statute of a State .....	10

DUCivR 5.2 - 1	REDACTING PERSONAL IDENTIFIERS .....	11
(a)	Redacting Personal Identifiers in Pleadings .....	11
(b)	Redacting Personal Identifiers in Transcripts .....	11
(c)	Procedure for Reviewing and Redacting Transcripts.....	12
DUCivR 6-1	FILING DEADLINES WHEN COURT IS CLOSED.....	12
DUCivR 7-1	MOTIONS AND MEMORANDA .....	12
(a)	Motions.....	12
(b)	Response and Reply Memoranda .....	15
(c)	Supporting Exhibits to Memoranda Other Than Memoranda Related to Summary Judgment Motions.....	17
(d)	Failure to Respond.....	17
(e)	Leave of Court and Format for Overlength Motions and Memoranda. ....	17
(f)	Oral Arguments on Motions.....	18
DUCivR 7-2	CITING UNPUBLISHED JUDICIAL DECISIONS .....	18
(a)	Precedential Value.....	18
(b)	Citation Form .....	18
(c)	Copies.....	19
DUCivR 7-3	REQUEST TO SUBMIT FOR DECISION .....	19
DUCivR 7-4	FILINGS IN ALL ACTIONS SEEKING JUDICIAL REVIEW OF A DECISION FROM AN ADMINISTRATIVE AGENCY .....	19
(a)	Review of Administrative Agency Decisions .....	19
DUCivR 7-5	HYPERLINKS IN COURT FILINGS .....	22
(a)	Encouraged and Permissible Hyperlinks.....	22
DUCivR 9-1	ALLOCATION OF FAULT .....	22
(a)	Allocating Party Filing Requirements.....	22
(b)	Allocating Party Time Requirements .....	23
DUCivR 10-1	GENERAL FORMAT OF PAPERS.....	23
(a)	Form of Pleadings and Other Papers .....	23
(b)	Font Requirements .....	25
(c)	Examination by the Clerk.....	25
DUCivR 15-1	AMENDED PLEADINGS.....	26
DUCivR 16-1	PRETRIAL PROCEDURE .....	26
(a)	Pretrial Scheduling and Discovery Conferences .....	26
(b)	Magistrate Judge.....	27
(c)	Attorneys' Conference. ....	28
(d)	Final Pretrial Conference.....	28
(e)	Pretrial Order .....	28

DUCivR 16-2	ALTERNATIVE DISPUTE RESOLUTION.....	28
(a)	Authority .....	28
(b)	Procedures Available.....	29
(c)	Cases Excluded from ADR Program.....	29
(d)	Certificate of ADR Election .....	29
(e)	Case Referral Procedure .....	29
(f)	Stay of Discovery .....	30
(g)	ADR Case Administration.....	30
(h)	Supervisory Power of the Court .....	30
(i)	Compliance Judge .....	30
(j)	Violations of the Rules Governing the ADR Program.....	30
DUCivR 16-3	SETTLEMENT CONFERENCES.....	31
(a)	Authority for Settlement Conferences.....	31
(b)	Referral of Cases for Purposes of Conducting a Settlement Conference.....	31
(c)	Settlement Proceedings .....	31
(d)	Confidential Nature of Settlement Proceedings .....	31
DUCivR 23-1	DESIGNATION OF PROPOSED CLASS ACTION.....	32
(a)	Caption .....	32
(b)	Class Allegation Section .....	32
(c)	Class Action Requisites.....	32
(d)	Motion for Certification .....	33
DUCivR 26-1	DISCOVERY REQUESTS AND DOCUMENTS .....	33
(a)	Form of Responses to Discovery Requests .....	33
(b)	Filing and Custody of Discovery Materials .....	33
DUCivR 26-2	STANDARD PROTECTIVE ORDER AND STAYS OF DEPOSITIONS .....	34
(a)	Standard Protective Order .....	34
(b)	Motion for Protective Order and Stay of Deposition .....	35
DUCivR 29-1	AGREEMENTS REGARDING EXTENSION OF DISCOVERY RESPONSE DEADLINES.....	35
DUCivR 30-1	DEPOSITION OBJECTIONS .....	35
DUCivR 30-2	NOTICES REQUIRED FOR DEPOSITIONS UNDER FED. R. CIV. P. 30(b)(6).....	36
DUCivR 37-1	DISCOVERY: MOTIONS AND DISPUTES; REFERRAL TO MAGISTRATE JUDGE.....	37
(a)	Discovery Disputes.....	37
DUCivR 41-1	SANCTIONS: FAILURE TO NOTIFY WHEN SETTLEMENT IS REACHED BEFORE A SCHEDULED JURY TRIAL .....	39
DUCivR 41-2	DISMISSAL FOR FAILURE TO PROSECUTE.....	39

DUCivR 42-1	CONSOLIDATION OF CIVIL CASES .....	40
(a)	Motion .....	40
(b)	Motion to Be Filed in Lower-Numbered Case.....	40
(c)	Sua Sponte Consolidation .....	40
DUCivR 43-1	COURTROOM PRACTICES AND PROTOCOL .....	40
(a)	Conduct of Counsel.....	40
(b)	Exclusion of Witnesses .....	41
(c)	Arguments .....	42
(d)	Presence of Parties and Attorneys upon Receiving Verdict or Supplemental Instructions .....	42
DUCivR 45-1	PRIOR NOTICE OF SUBPOENA AND COPY OF DUCivR 37-1 REQUIRED FOR NONPARTY .....	42
DUCivR 47-1	IMPANELMENT AND SELECTION OF JURORS .....	43
(a)	Requests for Voir Dire Examination .....	43
(b)	Voir Dire Examination and Exercise of Challenges .....	43
DUCivR 47-2	COMMUNICATION WITH JURORS .....	43
(a)	Communications Before or During Trial .....	43
(b)	Communications After Trial .....	43
DUCivR 48-1	NUMBER OF JURORS; IMPANELING AND SELECTION OF JURY .....	44
DUCivR 51-1	INSTRUCTIONS TO THE JURY .....	44
DUCivR 54-1	JUDGMENTS: PREPARATION OF ORDERS, JUDGMENTS, FINDINGS OF FACT AND CONCLUSIONS OF LAW .....	45
(a)	Orders in Open Court .....	45
(b)	Orders and Judgments .....	45
(c)	Proposed Findings of Fact and Conclusions of Law .....	45
DUCivR 54-2	COSTS: TAXATION OF COSTS AND ATTORNEYS' FEES.....	45
(a)	Bill of Costs.....	45
(b)	Objections to Bill of Costs .....	46
(c)	Taxation of Costs.....	46
(d)	Judicial Review .....	46
(e)	Attorneys' Fees .....	46
(f)	Procedures and Requirements for Motions for Attorneys' Fees.....	46
DUCivR 55-1	DEFAULTS AND DEFAULT JUDGMENTS .....	47
(a)	Entry of Default.....	47
(b)	Default Judgment. ....	47
DUCivR 56-1	SUMMARY JUDGMENT: MOTIONS AND SUPPORTING MEMORANDA .....	49
(a)	Summary Judgment Motions and Memoranda .....	49
(b)	Motion Requirements and Supporting Evidence.....	49
(c)	Opposition Memorandum Requirements and Supporting Evidence .....	50

(d)	Reply .....	51
(e)	Citations of Supplemental Authority.....	51
(f)	Failure to Respond.....	52
(g)	Length of Memoranda and Filing Times.....	52
DUCivR 58-1	JUDGMENT: FINAL JUDGMENT BASED UPON A WRITTEN INSTRUMENT .....	52
DUCivR 67-1	RECEIPT AND DEPOSIT OF REGISTRY FUNDS .....	53
(a)	Court Orders Pursuant to Fed. R. Civ. P. 67 .....	53
(b)	Provisions for Designated or Qualified Settlement Funds .....	53
(c)	Deposit of Required Undertaking or Bond in Civil Actions .....	54
(d)	Registry Funds Invested in Interest-Bearing Accounts.....	54
(e)	Service Upon the Clerk .....	54
(f)	Deposit of Funds .....	54
(g)	Disbursements of Registry Funds.....	54
(h)	Management and Handling Fees .....	55
(i)	Verification of Deposit.....	55
(j)	Liability of the Clerk .....	55
DUCivR 69-1	SUPPLEMENTAL PROCEEDINGS .....	55
(a)	Motion to Appear .....	55
(b)	Hearing Before Magistrate Judge.....	56
(c)	Failure to Appear.....	56
(d)	Fees and Expenses.....	56
DUCivR 71.1-1	DEPOSITS IN THE COURT REGISTRY .....	56
DUCivR 72-1	MAGISTRATE JUDGE AUTHORITY .....	57
DUCivR 72-2	MAGISTRATE JUDGE FUNCTIONS AND DUTIES IN CIVIL MATTERS .....	57
(a)	General Authority.....	57
(b)	Authority Under Fed. R. Civ. P. 72(a) .....	58
(c)	Authority Under Fed. R. Civ. P. 72(b) .....	58
(d)	Authority Under 42 U.S.C. § 1983.....	58
(e)	Authority Under 28 U.S.C. §§ 2254 and 2255.....	59
(f)	Authority to Function as Special Master.....	59
(g)	Authority to Adjudicate Civil Cases .....	59
DUCivR 72-3	RESPONSE TO OBJECTION TO NONDISPOSITIVE PRETRIAL DECISION .....	59
(a)	Stays of Magistrate Judge Orders.....	59
(b)	Ruling on Objections.....	59
DUCivR 77-1	OFFICE OF RECORD; COURT LIBRARY; HOURS AND DAYS OF BUSINESS .....	60
(a)	Office of Record.....	60
(b)	Hours and Days of Business.....	60

(c)	U.S. Courts Law Library .....	60
DUCivR 77-2	MOTIONS GRANTABLE BY THE CLERK OF COURT .....	61
(a)	Motions Grantable by the Clerk of Court.....	61
(b)	Clerk's Action Reviewable.....	61
DUCivR 79-1	ACCESS TO COURT RECORDS.....	61
(a)	Access to Public Court Records.....	61
(b)	Sealed Records .....	62
(c)	Search for Cases by the Clerk. ....	62
DUCivR 81-1	SCOPE AND APPLICABILITY OF RULES .....	62
(a)	Scope of Rules.....	62
(b)	Relationship to Prior Rules; Actions Pending on Effective Date.....	62
DUCivR 83-1.1	ATTORNEYS - ADMISSION TO PRACTICE.....	62
(a)	Practice Before the Court .....	62
(b)	Admission to the Bar of This Court .....	62
(c)	Active Member Status Requirement .....	64
(d)	Admission Pro Hac Vice .....	64
(e)	Attorneys for the United States and the Office of the Federal Public Defender Residing in This District.....	66
(f)	Pro Se Representation .....	66
(g)	Rules of Professional Conduct and Standards of Professionalism and Civility.....	67
DUCivR 83-1.2	ATTORNEYS - REGISTRATION OF ATTORNEYS .....	68
(a)	General Requirement.....	68
(b)	Categories of Membership. ....	68
(c)	Non-Member Status .....	68
(d)	Failure to Register .....	69
DUCivR 83-1.3	ATTORNEYS - APPEARANCES BY ATTORNEYS .....	69
(a)	Attorney of Record.....	69
(b)	Limited Appearance .....	69
(c)	Pro Se Representation .....	70
(d)	Appearance by Party .....	70
(e)	Notification of Clerk .....	71
DUCivR 83-1.4	ATTORNEYS – SUBSTITUTION AND WITHDRAWAL OF ATTORNEY .....	71
(a)	Substitution of Counsel .....	71
(b)	Withdrawal When the Party Continues to Be Represented by Counsel.....	71
(c)	Withdrawal When the Party Will Be Left Without Representation .....	71
(d)	Withdrawal With and Without the Client's Consent.....	73
	Procedure After Withdrawal .....	73

DUCivR-83-1.5	ATTORNEYS - DISCIPLINE OF ATTORNEYS.....	74
DUCivR 83-1.5.1	ATTORNEYS - DISCIPLINARY ACTIONS - GENERAL PROVISIONS .....	74
(a)	Standards of Professional Conduct.....	74
(b)	Grounds for Discipline.....	74
(c)	Disciplinary Panel.....	75
(d)	Disciplinary Committee .....	75
(e)	Clerk of Court .....	75
(f)	Confidentiality.....	75
(g)	Waiver and Consent .....	76
(h)	Interim Suspension.....	76
(i)	Reinstatement from Interim Suspension .....	76
(j)	Participant Immunity .....	76
DUCivR 83-1.5.2	RECIPROCAL DISCIPLINE.....	76
(a)	Notice to the Court.....	76
(b)	Procedure .....	77
DUCivR 83-1.5.3	CRIMINAL CONVICTION DISCIPLINE.....	78
(a)	Notice to the Court.....	78
(b)	Procedure .....	78
(c)	Sanctions .....	78
DUCivR 83-1.5.4	REFERRAL BY A JUDICIAL OFFICER .....	79
(a)	Referral .....	79
(b)	Procedure .....	79
(c)	Sanctions .....	79
DUCivR 83-1.5.5	ATTORNEY MISCONDUCT COMPLAINT .....	80
(a)	Complaint.....	80
(b)	Procedure .....	80
(c)	Sanctions .....	80
DUCivR 83-1.5.6	COMMITTEE ON THE CONDUCT OF ATTORNEYS .....	81
(a)	Procedure .....	81
(b)	Investigation.....	81
(c)	Report and Recommendation.....	81
(d)	Recommendation for Evidentiary Hearing.....	81
DUCivR 83-1.5.7	EVIDENTIARY HEARING .....	82
(a)	Appointment of Hearing Examiner.....	82
(b)	Appointment of a Judicial Officer.....	82
(c)	Appointment of Prosecutor .....	82
(d)	Panel Hearing .....	82
(e)	Hearing Process .....	82
(f)	Report and Recommendation.....	82
(g)	Fees and Costs.....	83

DUCivR 83-1.5.8	REINSTATEMENT .....	83
(a)	Reinstatement from Reciprocal Discipline Matters .....	83
(b)	Reinstatement from Other Disciplinary Orders .....	83
(c)	Contents of the Petition.....	83
(d)	Procedure. ....	84
DUCivR 83-1.6	ATTORNEYS - STUDENT PRACTICE RULE .....	84
(a)	Entry of Appearance on Written Consent of Client and Supervising Attorney .....	84
(b)	Law Student Eligibility .....	84
(c)	Responsibilities of Supervising Attorney. ....	85
(d)	Scope of Representation .....	85
(e)	Law School Certification. ....	86
DUCivR 83-2	ASSIGNMENT AND TRANSFER OF CIVIL CASES .....	86
(a)	Case Assignment System.....	86
(b)	Judicial Recusal .....	86
(c)	Emergency Matters. ....	87
(d)	Post-Conviction Relief.....	87
(e)	Section 2255 Motions. ....	87
(f)	Multiple Matters Arising Out of a Single Bankruptcy Case.....	87
(g)	Transfer of Related Case.....	87
DUCivR 83-3	CAMERAS, RECORDING DEVICES, AND BROADCASTS .....	88
(a)	Use of Electronic Devices.....	88
(b)	Photographs and Recordings.....	88
(c)	Credentialed Media.....	89
(d)	Exceptions.....	89
DUCivR 83-4	COURT SECURITY .....	89
(a)	Application of the Rule.....	89
(b)	Persons Subject to Search .....	89
(c)	Weapons.....	90
(d)	Safety .....	90
DUCivR 83-5	CUSTODY AND DISPOSITION OF TRIAL EXHIBITS .....	90
(a)	Prior to Trial.....	90
(b)	During Trial .....	91
(c)	After Trial .....	91
DUCivR 83-6	STIPULATIONS: PROCEDURAL REQUIREMENT .....	92
DUCivR 83-7.1	BANKRUPTCY - ORDER OF REFERENCE OF BANKRUPTCY MATTERS TO BANKRUPTCY JUDGES.....	92
DUCivR 83-7.2	BANKRUPTCY - REMOVAL OF CLAIMS OR ACTIONS RELATED TO BANKRUPTCY CASES .....	93

DUCivR 83-7.3	BANKRUPTCY - TRANSFER OF PERSONAL INJURY TORT AND WRONGFUL DEATH CLAIMS TO THE DISTRICT COURT.....	93
DUCivR 83-7.4	BANKRUPTCY - WITHDRAWAL OF THE REFERENCE OF BANKRUPTCY CASES, PROCEEDINGS AND CONTESTED MATTERS .....	93
(a)	Motion to Withdraw the Reference.....	93
(b)	Grounds for Withdrawal of the Reference.....	94
(c)	Time for Making a Withdrawal Motion.....	94
(d)	Transmittal of Withdrawal Motion to District Court and Opening of Miscellaneous Action.....	95
(e)	Procedure Upon Granting of Withdrawal Motion as to a Proceeding or Contested Matter.....	95
(f)	Procedure Upon Granting of Withdrawal Motion as to a Case. ....	97
DUCivR 83-7.5	BANKRUPTCY - DETERMINATION OF PROCEEDINGS AS “NON-CORE” .....	97
DUCivR 83-7.6	BANKRUPTCY - LOCAL BANKRUPTCY RULES OF PRACTICE.....	97
DUCivR 83-7.7	BANKRUPTCY - JURY TRIALS IN BANKRUPTCY COURT .....	97
DUCivR 83-7.8	BANKRUPTCY - INDIRECT CRIMINAL CONTEMPT OF BANKRUPTCY COURT .....	98
DUCivR 83-7.9	BANKRUPTCY - APPEALS TO THE DISTRICT COURT FROM THE BANKRUPTCY COURT UNDER 28 U.S.C. § 158 .....	98
(a)	Applicable Authority .....	98
(b)	Transmittal Rule.....	99
(c)	Transmission of the Record Under Fed. R. Bank. P. 8010 and Opening of Miscellaneous Case.....	99
(d)	Filing and Service of Briefs and Appendix Under Fed. R. Bank. P. 8011. 100	
DUCivR 86-1	EFFECTIVE DATE.....	101























































































































**DUCivR 77-1      OFFICE OF RECORD; COURT LIBRARY; HOURS AND DAYS OF  
BUSINESS**

**(a) Office of Record.**

The court's office of record is located in the United States Courthouse at 351 South West Temple St., Salt Lake City, Utah 84101.

**(b) Hours and Days of Business.**

Unless otherwise ordered by the court in unusual circumstances, the office of the clerk will be open to the public during posted business hours on all days except Saturdays, Sundays, and legal holidays as set forth below. Court hours and days of business are posted on the court's website at <http://www.utd.uscourts.gov>.

The following are holidays on which the court will be closed:

- New Year's Day, January 1
- Birthday of Martin Luther King, Jr. (Third Monday in January)
- Presidents' Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Independence Day, July 4
- Pioneer Day, July 24
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veterans' Day, November 11
- Thanksgiving Day (Fourth Thursday in November)
- Christmas Day, December 25

**(c) U.S. Courts Law Library.**

The United States Courts Law Library in the United States Courthouse contains non-circulating legal reference books, periodicals, and related materials. Access to the library is available to the bar and the public when library staff are on duty during normal court business hours.

















































































